

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STEVEN WILBER and STEVEN
WILBER, Guardian Ad Litem for Noah
Lane Prine-Wilber,

Plaintiffs,

v.

DELHI UNIFIED SCHOOL DISTRICT, et
al.,

Defendants.

Case No. 1:24-cv-00600-BAM

**ORDER GRANTING EXTENSION OF
TIME TO FILE RESPONSIVE PLEADING**

(Doc. 4)

This action was removed from Merced County Superior Court on May 20, 2024. (Doc. 1.) On May 24, 2024, the parties filed a notice indicating their agreement to file a stipulation to remand this matter to Merced County Superior Court as Plaintiffs will; dismiss the Sixth Cause of Action for Disability Discrimination and to drop the claim for attorneys' fees. (Doc. 4.) The parties indicates that they will prepare and file a formal stipulation within 10 days of the instant order. The parties therefore request that Defendants deadline to respond to the Second Amended Complaint be extended until the stipulation to remand is order, at which time the parties have agreed that Defendants will have 21 days from when the Superior Court accepts the remand to respond to the Second Amended Complaint in state court. Alternatively, if remand is denied, the parties request that Defendants have 10 days to file any responsive pleading to the Second Amended Complaint. (*Id.*)

1 Having considered the parties' notice and agreement, and good cause appearing, the
2 requested extension of time for Defendants to file a responsive pleading while the formal
3 stipulation to remand is prepared and filed in the next 10 days is GRANTED. The parties have
4 agreed that if the matter is remanded, then Defendants shall have 21 days from when the Superior
5 Court accepts remand of the action to file a responsive pleading to the Second Amended
6 Complaint. Alternatively, if remand is denied, then Defendants shall have 10 days to file any
7 responsive pleading in this court.

8
9 IT IS SO ORDERED.

10 Dated: June 4, 2024

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE